

PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council
June 3, 2014

Lake Forest City Hall
25550 Commercentre Drive
Council Chambers
Lake Forest, California 92630

PRELIMINARY ACTION AGENDA: The listed Action represents a brief synopsis of the Council action. The Council Minutes, when approved, stand as the official record of the meeting. This Preliminary Action Agenda is provided as quick reference only and is NOT intended to serve as any form of the official record and should not be relied upon in making important decisions. Before making important decisions, you should review the approved minutes.

CALL TO ORDER:

5:40 p.m.

ROLL CALL: Council Members:

David A. Bass
Kathryn McCullough
Scott Voigts
Adam Nick
Dwight Robinson

Mayor Pro Tem:
Mayor:

City Manager:
City Attorney:
City Clerk:

Robert C. Dunek
Scott C. Smith
Stephanie D. Smith

CLOSED SESSION

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section 54957
Title: City Manager
2. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Agency designated representative: Mayor
Unrepresented employee: City Manager

ACTION: Conducted Closed Session.

RECESSED: The City Council recessed Closed Session at 6:35 p.m.

RECONVENED: The City Council reconvened Closed Session at 6:45 p.m. with all Members present.

RECESS: City Council recessed at 6:50 p.m. from Closed Session for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:03 p.m., with all Members present to continue regular City business.

PUBLIC SESSION

INVOCATION: The Invocation was led by Council Member McCullough.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance to the Flag of our Country was led by Mayor Robinson.

CLOSED SESSION REPORT:

City Attorney Smith stated there was no reportable action.

PRESENTATIONS:

There were no items scheduled for Presentation.

REPORT FROM STUDENT LIAISON:

Jeff Domenech, Student Liaison from El Toro High School, presented his report.

PUBLIC COMMENTS:

The following members of the public offered comments: Vincent Burke and Jim Gardner.

CONSENT CALENDAR - WARRANT REGISTER: (Item No. 3)

3. CERTIFICATION OF WARRANT REGISTER submitted by Director of Finance/City Treasurer.

ACTION: On motion by Council Member Voigts and second by Council Member McCullough, the City Council approved the warrant register in the amount of \$4,359,613.25 as submitted. MOTION CARRIED with Mayor Pro Tem Nick abstained on the warrant payable to Cummins & White, LLP.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 4 - 17)

ACTION: On motion by Council Member McCullough and second by Council Member Voigts, the City Council approved Consent Calendar Item Nos. *4-6, *9, *12-13, *15-17. MOTION UNANIMOUSLY CARRIED.

- *4. WAIVE READING OF ORDINANCES AND RESOLUTIONS submitted by City Clerk.

ACTION: The City Council waived reading, by title only, of all Ordinances and Resolutions. Said Ordinances and Resolutions which appear on the public agenda shall be determined to have been read by title only, and further reading waived.

- *5. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON APRIL 15, 2014 AND THE SPECIAL MEETING HELD ON APRIL 29, 2014, submitted by City Clerk.

ACTION: The City Council approved the Minutes as submitted.

- *6. ADOPTION OF ORDINANCE NO. 260 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING LAKE FOREST MUNICIPAL CODE CHAPTER 9.164 RELATING TO CAMPAIGN SIGNS submitted by City Clerk.

ACTION: The City Council: 1. Conducted the second reading of Ordinance No. 260 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA AMENDING LAKE FOREST MUNICIPAL CODE CHAPTER 9.164 RELATING TO CAMPAIGN SIGNS. 2. Adopted Ordinance No. 260.

- *9. REQUEST FOR PROPOSALS FOR WEBSITE SOFTWARE, REDESIGN AND HOSTING SERVICES submitted by Deputy City Manager/Director of Management Services.

ACTION: The City Council: 1. Approved the Request for Proposals for Website Software, Redesign and Hosting Services. 2. Authorized staff to solicit proposals for Website Software, Redesign and Hosting Services.

- *12. ACCEPTANCE OF PRIVATE IMPROVEMENTS AND RELEASE OF BONDS FOR TRACT MAP NO. 17524 submitted by Director of Public Works/City Engineer.

ACTION: The City Council: 1. Accepted the private improvements constructed by Shea Baker Ranch Associates for Tract Map No. 17524.

2. Authorized the City Clerk to release the Subdivision Faithful Performance Bond and the Subdivision Labor and Materials Bond, both in the amount of \$1,440,000 for the private improvements consisting of HOA Park F. 3. Authorized the City Clerk to release the Subdivision Monument Bond in the amount of \$2,100 for establishment of monuments for HOA Park F. 4. Authorized the City Clerk to release the Subdivision Warranty Bond one year after acceptance of the private improvements, and with the concurrence of the Director of Public Works.

- *13. SECOND AMENDMENT TO THE AGREEMENT WITH NIEVES LANDSCAPE INC., FOR PARK MAINTENANCE SERVICES submitted by Director of Public Works/City Engineer.

ACTION: The City Council: 1. Approved the second amendment to the agreement with Nieves Landscape, Inc., to provide park maintenance services. 2. Authorized the Mayor to sign, and the City Clerk to attest, the second amendment substantially in the form attached.

- *15. THIRD AMENDMENT TO AGREEMENT WITH ANDERSONPENNA PARTNERS, INC., FOR GENERAL ENGINEERING SERVICES submitted by Director of Public Works/City Engineer.

ACTION: The City Council: 1. Approved the Third Amendment to the Agreement with AndersonPenna Partners, Inc., ("AndersonPenna") for General Engineering Services. 2. Authorized the Mayor to execute, and City Clerk to attest, the Third Amendment to the Agreement with AndersonPenna.

- *16. AWARD OF CONTRACT FOR FACILITY AND PARK REPAIR SERVICES submitted by Director of Public Works/City Engineer.

ACTION: The City Council: 1. Awarded a contract in the amount of \$159,090 to Jamey Clark, Inc., of Laguna Hills, California, for Facility and Park Repair Services. 2. Authorized the Mayor to sign, and the City Clerk to attest the contract with Jamey Clark, Inc., substantially in the form attached.

- *17. AWARD OF CONTRACT FOR CUSTODIAL MAINTENANCE SERVICES submitted by Director of Public Works/City Engineer.

ACTION: The City Council: 1. Awarded a contract in the amount of \$246,972 to Commercial Cleaning Services of Costa Mesa, California, for custodial maintenance services. 2. Authorized the Mayor to sign, and

the City Clerk to attest the contract with Commercial Cleaning Services, substantially in the form attached.

PULLED CONSENT CALENDAR ITEMS:

7. REVIEW OF THE CITY'S CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974 submitted by City Clerk.

A member of the public pulled this item for separate consideration.

The following member of the public offered comment: Jim Gardner.

City Attorney Smith reported this item is the kick-off of the Conflict of Interest Code and not adoption.

ACTION: On motion by Council Member Voigts and second by Council Member McCullough, the City Council: 1. Directed the City Manager, or designee, to have the City's Conflict of Interest Code reviewed pursuant to Government Code Section 87306.5. 2. Filed a Statement of Review with the City Council no later than October 1, 2014. 3. Revised the Conflict of Interest Code based upon review, as necessary. **MOTION UNANIMOUSLY CARRIED.**

8. WAIVE 60 DAY WRITTEN NOTICE REQUIREMENT FOR COUNTY LEASE OF PROPERTY - SHERIFF SUBSTATION submitted by Deputy City Manager/Director of Management Services.

Council Member Bass pulled this item for separate consideration. He commented on the potential of a substation in Lake Forest.

ACTION: On motion by Council Member Bass and second by Council Member Voigts, the City Council adopted Resolution No. 2014-18 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, WAIVING NOTICE REQUIREMENT OF COUNTY'S LEASING OF SPACE WITHIN THE CITY. **MOTION UNANIMOUSLY CARRIED.**

10. UPDATED LOCAL IMPLEMENTATION GUIDELINES FOR THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) submitted by Director of Development Services.

Council Member Bass pulled this item for separate consideration. He

addressed the prevailing wage incorporated in the environmental review.

ACTION: On motion by Council Member McCullough and second by Council Member Bass, the City Council adopted Resolution No. 2014-19 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING AND ADOPTING LOCAL GUIDELINES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (PUB. RESOURCES CODE 21000 ET SEQ.). MOTION UNANIMOUSLY CARRIED.

11. REQUEST FOR PROPOSAL FOR PORTOLA PARK CONCEPTUAL DESIGN SERVICES submitted by Director of Community Services.

A member of the public pulled this item for separate consideration.

The following member of the public offered comment: Jim Gardner.

ACTION: On motion by Council Member Bass and second by Council Member McCullough, the City Council: 1. Approved the attached Request for Proposal for Portola Park Conceptual Design Services. 2. Authorized staff to solicit proposals for Conceptual Design Services. MOTION UNANIMOUSLY CARRIED.

14. SECOND AMENDMENT TO THE AGREEMENT WITH ATHENS SERVICES FOR STREET SWEEPING SERVICES submitted by Director of Public Works/City Engineer.

A member of the public pulled this item for separate consideration.

The following member of the public offered comment: Jim Gardner.

Council discussion ensued.

ACTION: On motion by Council Member McCullough and second by Council Member Voigts, the City Council: 1. Approved the second amendment with Athens Services to provide street sweeping services. 2. Authorized the Mayor to sign, and the City Clerk attest, the second amendment substantially in the form attached. MOTION UNANIMOUSLY CARRIED.

DISCUSSION/ACTION ITEMS:

18. SELECTION OF AUTHOR(S) OF THE PRIMARY ARGUMENT IN FAVOR OF THE BALLOT MEASURE ESTABLISHING TERM LIMITS FOR MEMBERS OF THE CITY COUNCIL AND REBUTTAL ARGUMENT IF NECESSARY submitted by City Clerk.

ACTION: Staff report dated June 3, 2014 was introduced.

Council Member McCullough asked how much the cost of the measure would be.

City Clerk Smith noted the cost is \$8,500.

The following members of the public offered comments: Jim Gardner and Marcia Rudolph.

Mayor Robinson recommended two Council Members should write the argument in favor of the primary argument in favor of the ballot measure establishing term limits for members of the City Council. He moved that Council appoint Council Members Bass and Voigts to write the argument in favor. Council Member Voigts seconded the motion.

City Clerk Smith clarified the process of the ballot measure.

Mayor Pro Tem Nick stated no tax dollars can be used to support the measure.

City Attorney Smith confirmed tax dollars are not used for the measure.

MOTION: On motion by Mayor Robinson and second by Council Member Voigts, the City Council selected Council Member Bass and Council Member Voigts to author the primary argument in favor of the ballot measure establishing term limits for members of the City Council and the rebuttal argument if necessary. MOTION UNANIMOUSLY CARRIED

19. CITY COUNCIL DISCUSSION AND POSSIBLE RELATED ACTION TO REQUIRE A SUPERMAJORITY VOTE OF THE COUNCIL REGARDING POTENTIAL INCREASES TO LOCAL TAXES AND FEES submitted by Director of Finance/City Treasurer.

City Manager Dunek introduced the staff report dated June 3, 2014.

The following member of public offered comment: Jim Gardner.

Mayor Pro Tem Nick stated any fee, tax, charge or levy as long as it is not preempted by the State, should require a super majority by Council before it can be assessed or increased.

Council Member Bass asked City Attorney Smith if a member of the Council is not present what constitutes a super majority.

City Attorney Smith clarified that it is a 4/5 vote of the body regardless of who is in attendance.

Council Member Bass noted in the future there will be an establishment of fees for the new sports park.

Council Member Voigts stated the City does not want to raise fees and he supports the idea of the super majority.

Council Member McCullough asked City Attorney Smith if there is a vacancy and only four Council Members what constitutes a super majority.

City Attorney Smith stated if there is a vacancy; a super majority is that of the existing seated members. He stated if Council desires, staff can provide a super majority implementing document to include a medical waiver.

MOTION: On motion by Council Member Voigts and second by Council Member McCullough the City Council provided staff with direction to prepare an ordinance related to a supermajority requirement for potential future votes by the City Council relating to increases for local taxes and fees. MOTION UNANIMOUSLY CARRIED.

20. CITY COUNCIL TRAVEL AND EXPENSE REIMBURSEMENT POLICY submitted by City Clerk.

City Manager Dunek introduced the agenda item dated June 3, 2014, noting this item was presented at the request of Mayor Pro Tem Nick.

The following member of the public offered comment: Jim Gardner.

Mayor Pro Tem Nick stated his desire to revise the travel policy.

RECESS: The City Council recessed at 8:23 p.m.

RECONVENE: The City Council reconvened at 8:31 p.m.

Council discussion ensued.

Council Member Bass motioned for Council meals to be the standard of the IRS per diem.

Council discussion continued.

Council Member Voigts stated he supports modifying the current policy.

Mayor Robinson noted review of the current policy will provide clarity.

Council Member Voigts motioned to accept the IRS limits. Council Member McCullough seconded the motion.

Council Member Bass added a friendly amendment for the appointment of a Council Member or two to work with staff to prepare a redlined amended policy for Council review.

Council Member Voigts accepted the friendly amendment.

Mayor Pro Tem Nick supported the amendment and suggested expense reports must be submitted within 30 days after incurring the expense in order to be reimbursed. He continued that there should be a limit to overnight stays and eliminate the in lieu receipts except for baggage and maid tips. He recommended capping reimbursements at the federal per diem rates.

Council Member McCullough stated she supported the motion excluding the exception to in lieu receipts.

City Attorney Smith clarified the motion to state it will limit the policy to the federal per diem rates, Council will appoint an ad hoc committee to discuss the items as outlined by Council Members Bass and Nick, and include all amendments as stated.

MOTION: On motion by Mayor Robinson and second by Mayor Pro Tem Nick, the City Council: 1. Reviewed, discussed, and made recommendations to the City Council Travel and Expense Reimbursement Policy. 2. Appointed Council Members Bass and Voigts to the ad hoc committee to prepare a redlined version of a revised City

Council Travel Policy for review. MOTION UNANIMOUSLY CARRIED.

21. SELECTION OF DELEGATES TO THE LEAGUE OF CALIFORNIA CITIES CONFERENCE, SEPTEMBER 3-5, 2014 submitted by City Clerk.

City Manager Dunek introduced the agenda item dated June 3, 2014.

Mayor Robinson asked what Council Members would be attending the League of California Cities Conference in September.

Council Member Voigts nominated Mayor Robinson to be the primary delegate for the LOCC Conference. Council Member McCullough seconded the nomination.

Council Member Voigts nominated Council Member Bass as the alternate delegate for the LOCC Conference. Council Member McCullough seconded the nomination.

MOTION: On motion by Council Member Voigts and second by Council Member McCullough, the City Council appointed Mayor Robinson as the primary delegate for the League of California Cities Conference in September, and Council Member Bass as the alternate delegate.
MOTION UNANIMOUSLY CARRIED.

CITY MANAGER'S REPORT:

City Manager Dunek presented no comments.

CITY COUNCIL COMMENTS:

Council Member Bass offered comments.

Council Member McCullough offered comments.

Council Member Voigts offered comments.

Mayor Pro Tem Nick offered comments.

Mayor Robinson offered no comments.

CONTINUED CLOSED SESSION:

There was no continued Closed Session.

ADJOURNMENT: 9:30 p.m.